

HOUSE BILL No. 5262

October 17, 2001, Introduced by Reps. Ehardt, George, Howell, Julian, Richardville, Stewart, Woronchak, Basham, Raczkowski, Vander Veen, Patterson, Scranton, Jelinek, Voorhees, Shulman, Plakas, Shackleton, Anderson, Vear, Hummel, Kuipers, Stamas, Pappageorge, Allen, Middaugh, Meyer, Gilbert, Kowall, Van Woerkom, Cassis, Kooiman, DeVuyst, Pumford, Cameron Brown, Sanborn, Birkholz, Faunce and Neumann and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 7104, 7107, and 7109 (MCL 333.7104,
333.7107, and 333.7109), section 7104 as amended by 1994 PA 38
and sections 7107 and 7109 as amended by 1993 PA 80.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7104. (1) "Bureau" means the drug enforcement adminis-
2 tration, United States department of justice, or its successor
3 agency.

4 (2) "Controlled substance" means a drug, substance, or imme-
5 diate precursor included in schedules 1 to 5 of part 72.

6 (3) "Controlled substance analogue" means a substance the
7 chemical structure of which is substantially similar to that of a
8 controlled substance in schedule 1 or 2 ~~and~~ OR that has a
9 narcotic, stimulant, depressant, or hallucinogenic effect on the

1 central nervous system substantially similar to or greater than
2 the narcotic, stimulant, depressant, or hallucinogenic effect on
3 the central nervous system of a controlled substance included in
4 schedule 1 or 2 or, with respect to a particular individual, that
5 the individual represents or intends to have a narcotic, stimu-
6 lant, depressant, or hallucinogenic effect on the central nervous
7 system substantially similar to or greater than the narcotic,
8 stimulant, depressant, or hallucinogenic effect on the central
9 nervous system of a controlled substance included in schedule 1
10 or 2. Controlled substance analogue does not include ~~any~~ 1 OR
11 MORE of the following:

12 (a) A controlled substance.

13 (b) A substance for which there is an approved new drug
14 application.

15 (c) A substance with respect to which an exemption is in
16 effect for investigational use by a particular person under
17 section 505 of the federal food, drug and cosmetic act,
18 chapter 675, 52 Stat. ~~1040~~ 1052, 21 U.S.C. 355, to the extent
19 conduct with respect to the substance is pursuant to the
20 exemption.

21 (d) Any substance to the extent not intended for human con-
22 sumption before an exemption takes effect with respect to the
23 substance.

24 (4) "Counterfeit prescription form" means a printed form
25 that is the same or similar to a prescription form ~~or an offi-~~
26 ~~cial prescription form,~~ and that was manufactured, printed,
27 duplicated, forged, ELECTRONICALLY TRANSMITTED, or altered

1 without the knowledge or permission of a ~~licensed prescribing~~
2 ~~practitioner, or, in the case of official prescription forms, the~~
3 ~~department of commerce~~ PRESCRIBER.

4 (5) "Counterfeit substance" means a controlled substance
5 ~~which~~ THAT, or the container or labeling of which, without
6 authorization, bears the trademark, trade name or other identify-
7 ing mark, imprint, number, or device, or any likeness thereof, of
8 a manufacturer, distributor, or dispenser other than the person
9 who in fact manufactured, distributed, or dispensed the
10 substance.

11 (6) "Deleterious drug" means a drug, other than a propri-
12 etary medicine, likely to be destructive to adult human life in
13 quantities of 3.88 grams or less.

14 Sec. 7107. ~~-(1)-~~ "Narcotic drug" means ~~any~~ 1 OR MORE of
15 the following, whether produced directly or indirectly by extrac-
16 tion from substances of vegetable origin, or independently by
17 means of chemical synthesis, or by a combination of extraction
18 and chemical synthesis:

19 (a) Opium and opiate, and any salt, compound, derivative, or
20 preparation of opium or opiate.

21 (b) Any salt, compound, isomer, derivative, or preparation
22 thereof which is chemically equivalent or identical with any of
23 the substances referred to in subdivision (a), but not including
24 the isoquinoline alkaloids of opium.

25 ~~-(2)- "Official prescription form" means a prescription form~~
26 ~~that meets the requirements of section 7334 and is issued to~~
27 ~~practitioners by the department of commerce.~~

1 Sec. 7109. (1) "Person" means a person as defined in
2 section 1106 or a governmental entity.

3 (2) "Poppy straw" means all parts, except the seeds, of the
4 opium poppy, after mowing.

5 (3) "Practitioner" means:

6 (a) A prescriber or pharmacist, a scientific investigator as
7 defined by rule of the administrator, or other person licensed,
8 registered, or otherwise permitted to distribute, dispense, con-
9 duct research with respect to, or administer a controlled sub-
10 stance in the course of professional practice or research in this
11 state, including an individual in charge of a dog pound or animal
12 shelter licensed or registered by the department of agriculture
13 pursuant to ~~Act No. 287 of the Public Acts of 1969, being sec-~~
14 ~~tions 287.331 to 287.340 of the Michigan Compiled Laws~~ 1969
15 PA 287, MCL 287.331 TO 287.340, or a class B dealer licensed by
16 the United States department of agriculture pursuant to the
17 animal welfare act, Public Law 89-544, 7 U.S.C. 2131 to 2147,
18 2149, and 2151 to 2159 and the department of agriculture pursuant
19 to ~~Act No. 224 of the Public Acts of 1969, being~~
20 ~~sections 287.381 to 287.395 of the Michigan Compiled Laws~~ 1969
21 PA 224, MCL 287.381 TO 287.395, for the limited purpose of
22 buying, possessing, and administering a commercially prepared,
23 premixed solution of sodium pentobarbital to practice euthanasia
24 on animals.

25 (b) A pharmacy, hospital, or other institution or place of
26 professional practice licensed, registered, or otherwise
27 permitted to distribute, prescribe, dispense, conduct research

1 with respect to, or administer a controlled substance in the
2 course of professional practice or research in this state.

3 (4) "PRESCRIBER" MEANS THAT TERM AS DEFINED IN SECTION
4 17708.

5 (5) ~~-(4)-~~ "Prescription form" means a printed form, ~~which~~
6 FACSIMILE OF A PRINTED FORM, OR ELECTRONIC FORMAT, IF NOT PROHIB-
7 ITED UNDER FEDERAL LAW, THAT is authorized and intended for use
8 by a prescribing practitioner to prescribe controlled substances
9 or prescription drugs and ~~which~~ THAT meets the requirements of
10 rules promulgated by the administrator.

11 (6) ~~-(5)-~~ "Production" means the manufacture, planting, cul-
12 tivation, growing, or harvesting of a controlled substance.

13 (7) ~~-(6)-~~ "Ultimate user" means an individual who lawfully
14 possesses a controlled substance for personal use or for the use
15 of a member of the individual's household, or for administering
16 to an animal owned by the individual or by a member of the
17 individual's household.

18 Enacting section 1. This amendatory act does not take
19 effect unless Senate Bill No. _____ or House Bill No. 5260
20 (request no. 03384'01 *) of the 91st Legislature is enacted into
21 law.